|  |  |
| --- | --- |
| District Court, Jefferson County, Colorado 100 Jefferson County ParkwayGolden, CO 80401 (303) 271-6145 | ▲ **COURT USE ONLY** ▲  Case Number:  Div. Ctrm. |
| THE PEOPLE OF THE STATE OF COLORADO  In the Interest of  **Children:**  **Petitioner:** JEFFERSON COUNTY DIVISION OF CHILDREN, YOUTH AND FAMILIES  **Respondents:**  **Special Respondents:** |
| **ORDER FROM PERMANENCY PLANNING HEARING OF XXX** | |

This matter came before the Court for a permanency planning hearing. Present were (if checked):

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| x | NAME | STATUS | ATTORNEY | SUBSTITUTE | x |
|  |  | Mother |  |  |  |
|  |  | Father |  |  |  |
|  |  | GAL |  |  |  |
|  |  | Caseworker |  |  |  |
|  |  | ACA |  |  |  |

**Child’s status prior to hearing:**

|  |  |  |
| --- | --- | --- |
| CHILD | CUSTODY | PERMANENCY PLAN(S)  (leave blank if not formally adopted) |
|  |  |  |

The Court, having reviewed its file, the Family Services Plan prepared for this hearing,  and other documents submitted to the Court, and having heard from those present, **FINDS:**

### INDIAN CHILD WELFARE ACT (ICWA)

The Indian Child Welfare Act  is not applicable  is applicable  cannot be determined yet to be applicable, due to insufficient information provided by the parents.

**PERMANENCY PLANNING**

**Youth Participation**

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_, was/were present in court today **OR**

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, has/ have been consulted regarding the permanency plan, in an age appropriate manner as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Out of Home Placement** (defined as divesting of temporary legal custody from a parent or guardian)

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

is/are not placed out of the home; **or**

was placed out of the home on \_\_\_\_\_\_\_\_\_\_\_\_ and has/have been placed out of the home for \_\_\_\_\_\_\_\_\_ months out of the past \_\_\_\_\_\_\_\_\_ months.

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, has/have been placed

with kin (relatives or persons ascribed by the family as having a family-like

relationship, or they may be in­dividuals that have a prior significant relationship

with the child or youth);

foster care;

group home;

residential treatment facility.

**Proposed Permanency Plan(s)**

The following permanency plan(s) is/are proposed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The parties provide the following positions and/or information about the proposed permanency plan(s):

GAL: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent parent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent parent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent parent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Caseworker: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CASA: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other (i.e., placement provider, intervenor): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**OR** All parties **agree** that the proposed permanency plan(s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is/are in the child(ren)’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ best interest:

The following parties **do not agree** that the proposed permanency plan(s) is/are in the children’s best interest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_, is/are returning home on today’s date; **OR**

There is a substantial probability that the child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_, will return home within the next six months because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

**AND/OR**

There is ***not*** a substantial probability that the child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_, will return home within the next six months because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

It is appropriate and in the best interests of the child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_ to pursue termination of parental rights at this time because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

There is good cause not to pursue termination of parental rights at this time because:

The parents have maintained regular parenting time and contact and the child would benefit from continuing this relationship;

The child(ren) is/are 12 years or older and object(s) to the termination of parental rights;

The child(ren)’s foster parents are unwilling to adopt the child(ren) because of exceptional circumstances but are willing and capable of providing the child(ren) with a stable and permanent environment AND removal of the child(ren) would be seriously detrimental to the emotional well-being of the child(ren) because the child(ren) has/have substantial psychological ties to the foster parents;

The criteria for termination of parental rights have not yet been met; or

other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The permanency plan(s) adopted today, or adopted previously, with any modifications indicated in the Orders, is/are in the best interests of the child(ren).

**Other Planned Permanent Living Arrangement**

There is a compelling reason for adopting one of the permanency plans labeled “Other Planned Permanent Living Arrangement” as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is/are 16 years of age or older **AND**

Pursuant to Volume VII, the following exceptional circumstances AND co-occurring complex conditions exist which preclude the child(ren)’s, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, return home, adoption legal guardianship or permanent custody: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; **AND/OR**

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The child(ren) has been placed with kin (relatives or persons ascribed by the family as having a family-like relationship, or they may be in­dividuals that have a prior significant relationship with the child or youth) **OR**

The following efforts have been made to identify kin as potential placement options for the child(ren): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Permanent Placement**

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_, has/have not been placed out of the home for more than 12 months; **OR**

The child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_, has/have been placed out of the home for more than 12 months and is/are not in a permanent placement.

The caseworker  has  has not provided a report specifying which services are being provided in order to remedy the current issues.

The GAL  has  has not provided a report specifying which services are being given the child(ren) in order to remedy the current issues.

The Court, by clear and convincing evidence, finds:

reasonable efforts have been made to find the child(ren) an appropriate permanent placement; **AND**

an appropriate permanent placement is not currently available for \_\_\_\_\_\_\_\_\_\_\_; **OR**

the child(ren)’s, \_\_\_\_\_\_\_\_\_\_\_, mental or physical needs or conditions deem it improbable that such child(ren) would have a successful permanent placement.

The Court is unable to find, by clear and convincing evidence, that reasonable/active efforts have been made to find the child(ren), \_\_\_\_\_\_\_\_\_\_\_\_\_\_, an appropriate permanent placement and an appropriate placement is not currently available **or** the child’s mental or physical needs or conditions deem it improbable that such child would have a successful permanent placement for the following reasons: ***(DELETE IF NOT CHECKED PRIOR TO SENDING OUT)*** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**REASONABLE EFFORTS**

Petitioner has made  **reasonable**  **active** efforts and provided adequate services to

reunite the child with a parent or custodian;

maintain the child with a parent or custodian in the home;

finalize the permanency plans for the child.

**CUSTODY & PROCEDURAL SAFEGUARDS**

It would be contrary to the best interest of the child to return him at this time. Continued out of home placement is necessary and in his best interest. The current placement arrange-ment is the least restrictive setting which most appropriately meets his needs and is closest to the home.

The custodial arrangements ordered or continued today are in the best interest of the child and the community.

Procedural safeguards with respect to parental rights have been observed in connection with any continued out of home placement(s), and determinations affecting visitation.

**ADDITIONAL FINDINGS**

**THE COURT ORDERS:**

**TREATMENT PLANS**

The treatment plans previously ordered are continued, with the following modifications:

**CUSTODY & PLACEMENT**

The existing temporary custody orders remain in effect, **UNLESS** indicated otherwise here:

Temporary legal custody of the child is vested with the Petitioner, for placement as deemed appropriate.

Temporary legal custody of the child is vested with .

The child can be returned to on the agreement of the GAL [and ].

If the child is not in the custody of the Petitioner, he remains under their protective supervision.

**VISITATION**

Visitation for can be expanded or liberalized, without further order of Court, with the consent of the caseworker and GAL,  and in consultation with .

**PERMANENCY PLANS**

***(If more than one permanency goal is shown for a child, they are concurrent.)***

The following permanency plans are adopted for the children:

The existing permanency plans remain in effect, **UNLESS** noted here:

|  |  |  |
| --- | --- | --- |
| X | PERMANENCY PLAN | CHILDREN |
|  | Remain Home |  |
|  | Return Home |  |
|  | Permanent placement w/relative (Adoption) |  |
|  | Permanent placement w/relative (legal guardianship or permanent custody) |  |
|  | Adoption (non-relative) |  |
|  | Legal guardianship or permanent custody (non-relative) |  |
|  | Emancipation / OPPLA |  |
|  | Relative long-term foster care / OPPLA |  |
|  | Non-relative long-term foster care / OPPLA |  |

**The target date for finalizing the permanency goal(s) is** .

**Permanent Placement (POST TERMINATION ONLY) *(DELETE IF NOT CHECKED PRIOR TO SENDING OUT)***

The Court orders the  caseworker and/or  GAL to submit a written report specifying which services are being given the child, \_\_\_\_\_\_\_\_, in order to remedy the child’s problems that would allow the child to be placed in a permanent placement AND this matter will be set for a hearing regarding this issue on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Order to Show Cause *(DELETE IF NOT CHECKED PRIOR TO SENDING OUT)***

The Court is ordering the Jefferson County Division of Children, Youth and Families to show cause as to why it should not file a motion to terminate the parent-child legal relationships. A written response to this order shall be submitted to the court and parties no later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**ADDITIONAL ORDERS**

Petitioner shall continue to make  **reasonable**  **active** efforts to finalize the permanency plan(s) adopted or continued today.

All prior orders, except as they may have been modified today, remain in effect.

This matter is transferred to Division for further proceedings.

**Scheduled hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| TYPE | DATE | TIME | DURATION | DIV. |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

If this matter has been heard by a magistrate, any party may seek judicial review of this order within five days of the hearing under C.R.S. § 19-1-108(5.5).

This order is effective on the hearing date, unless noted.

FORM OF ORDER SIGNED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014.

BY THE COURT:

District Court Magistrate

**NOTICE PURSUANT TO C.R.C.P. 121**

On \_\_\_\_\_\_\_\_\_\_\_\_\_, 2014 the Court entered an order in open court. This form of order has been submitted to the Court, and may enter if no party files an objection to form within seven days of service.

Prepared by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

, #

Assistant County Attorney

100 Jefferson County Pkwy, #5500

Golden, CO 80419-5500

Phone: 303-271-8900

**CERTIFICATE OF SERVICE**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014, I served a copy of this document on the parties, or their attorneys if any, by the method indicated.

|  |  |
| --- | --- |
| , Esq. | ( ) U. S. Mail, postage prepaid  ( ) Email:  ( ) Fax:  ( ) Interoffice Mail |

|  |  |
| --- | --- |
| , Esq. | ( ) U. S. Mail, postage prepaid  ( ) Email:  ( ) Fax:  ( ) Interoffice Mail |
| , Esq. | ( ) U. S. Mail, postage prepaid  ( ) Email:  ( ) Fax:  ( ) Interoffice Mail |
| , Caseworker | ( ) U. S. Mail, postage prepaid  ( ) Email:  ( ) Fax:  ( ) Interoffice Mail |